

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:08cv576

PRECISION LINKS INCORPORATED,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
USA PRODUCTS GROUP, INC. and)	
HOME DEPOT U.S.A., INC.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Defendants' Renewed Motion for Summary Judgment of Non-Infringement. [Doc. 72].

This is a patent infringement action filed by the Plaintiff Precision Links Incorporated against the Defendants USA Products Group, Inc. and Home Depot USA, Inc. related to U.S. Patent No. 5,673,464 ("the '464 Patent"). On June 17, 2010, the Court entered an Order construing the claims of the '464 Patent. [Doc. 71]. Based on the Court's Claim Construction Order, the Defendants now move for summary judgment of non-infringement, arguing that the accused products do not infringe any asserted claim of the '464 Patent. [Doc. 72].

The Plaintiff is in agreement with the Defendants that the Claim Construction Order entered by the Court clearly excludes the accused products from coverage by the '464 Patent. Accordingly, the Plaintiff agrees that summary judgment of non-infringement is appropriate and should be entered. [Doc. 78].

Because there is no reading of the Court's Claim Construction Order that could result in a finding of infringement by the accused products, the Court concludes that summary judgment is appropriate and should be entered.

ORDER

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendants' Renewed Motion for Summary Judgment of Non-Infringement [Doc. 72] is **GRANTED**, and this action is hereby **DISMISSED**. A Judgment consistent with this Order shall be entered simultaneously herewith.

IT IS SO ORDERED.

